



MAYOR AND COUNCIL AGENDA

NO. 7

DEPT.: Public Works / Engineering
STAFF CONTACT: Craig Daly

DATE PREPARED: 9/15/2005
FOR MEETING OF: 9/26/2005

SUBJECT:

License agreement or other similar agreement allowing the Wootton Crossing development to use a portion of the dedicated public right of way on Fleet Street for the construction and maintenance of a private access drive to maintain access to Ritchie Center, until such time that a public road is constructed, the right-of-way is abandoned, or an alternative access is provided to Ritchie Center.

RECOMMENDATION:

Staff recommends that the Mayor and Council authorize the City Manager to execute documents in a form satisfactory to the City Attorney allowing Wootton Crossing to construct and maintain an access drive within a portion of the public right of way to maintain access to Ritchie Center.

DISCUSSION:

Background:

Ritchie Center currently has access to its site from Rockville Pike, Wootton Parkway and old Ritchie Parkway, near its intersection of Fleet Street. The old Ritchie Parkway access point is poorly functioning and is located within an area of right-of-way abandoned by the Mayor and Council that has reverted back to the adjacent property owner to the south. USE permit Application No. USE2004-00681 proposes the construction of a branch bank and a pharmacy on the adjacent site to the south Ritchie Center site, known as the Wootton Crossing development. Consistent with the requirements of the Department of Public Works, the Wootton Crossing development provides for the closure of the current entrance to the Ritchie Center off of old Ritchie Parkway right-of-way. (Access to Ritchie Center will be maintained from southbound Wootton Parkway by passing through the Wootton Crossing Development.)

The Fleet Street extended right of way runs parallel to the western boundary of the Ritchie Center property. It had been anticipated that after the closure of the old Ritchie Parkway entrance Ritchie Center would have access via Fleet Street extended. However, that project is on hold and may never proceed. With the closure of the old Ritchie Parkway entrance north bound traffic traveling along Wootton Parkway would not have access to the site. City staff considered several options for maintaining access to Ritchie Center in the vicinity of old Ritchie Parkway. For safety reasons staff recommends that a private drive be constructed within the Fleet Street right of way. Other alternatives that were considered create conflicts for vehicles and pedestrians.

The private access to the Ritchie Center via the unimproved portion of Fleet Street on the north side of the Ritchie Parkway and Fleet Street intersection will be constructed and maintained by the Wootton Crossing Development. Although privately constructed and maintained, the drive will provide public access to Ritchie Center in a location close to the existing old Ritchie Parkway entrance.

City staff has determined it will not be detrimental to the City or the public to allow the applicant to construct and maintain a driveway within the dedicated public right of way to permit ingress and

egress to the site. Should that right-of-way ever be abandoned, it would revert back to the ownership of the Ritchie Center.

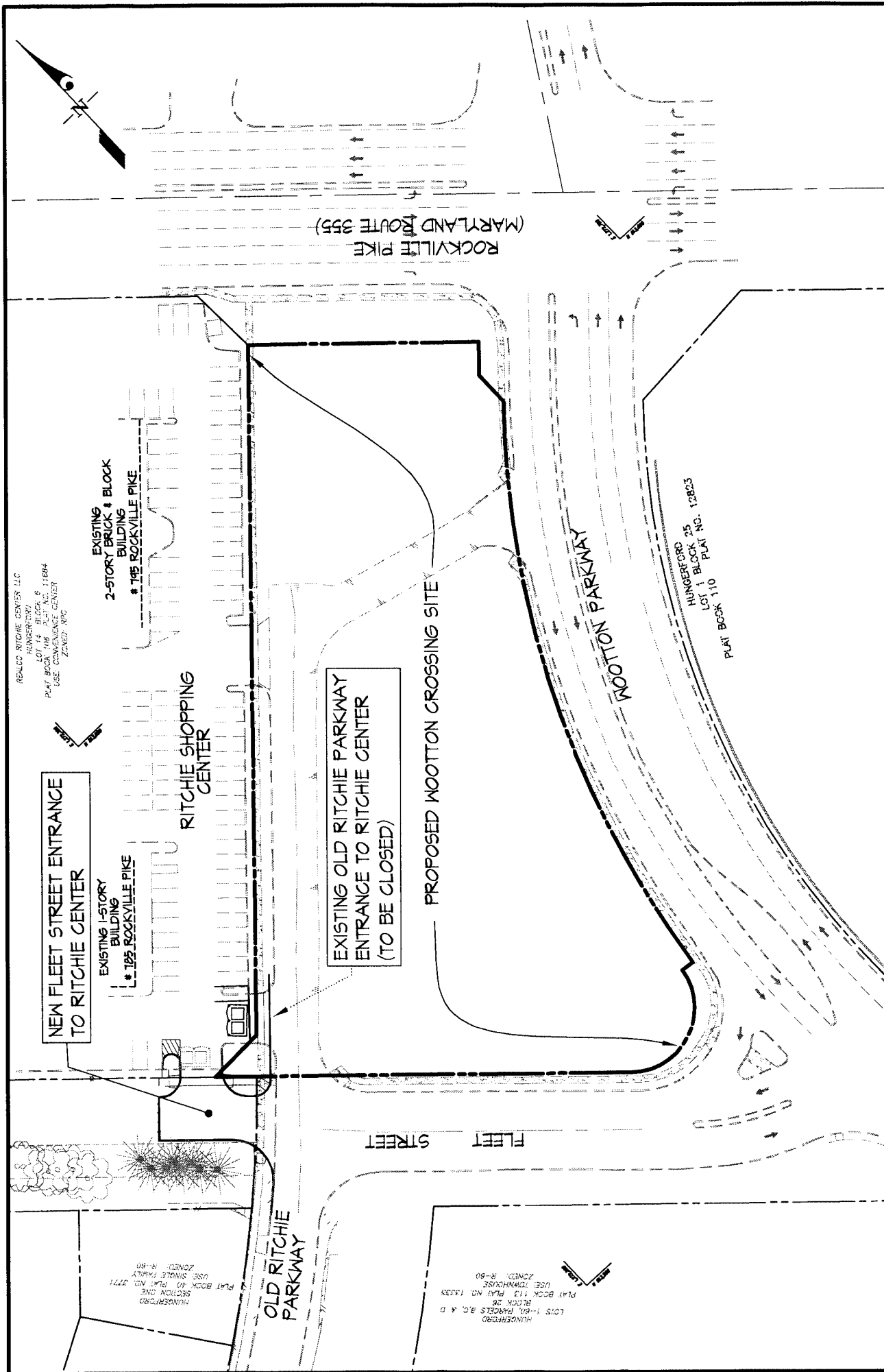
In order to accommodate the construction of the driveway within the public right of way a license agreement or similar agreement must be entered into defining the terms and conditions for allowing access to the Ritchie Center through the right of way area. It is anticipated that the agreement will terminate upon either the construction of Fleet Street, the abandonment of the right-of-way, or the provision of an alternative access to the site.

The developer, Zimmer Management Company, will submit all documents necessary for the review and approval of the licensing agreement in accordance with the City Attorney's requirements. The agreement will be subject to the approval of City Attorney's office.

PREPARED BY:	<u>Craig Daly</u>	<u>9/21/2005</u>
	Craig Daly, Civil Engineer II	Date
APPROVE:	<u>Susan T. Straus</u>	<u>9/21/2005</u>
	Susan T. Straus, P.E., Chief Engineer/Environment	Date
APPROVE:	<u>Craig L. Simoneau</u>	<u>9/21/05</u>
	Craig L. Simoneau, P.E., Director of Public Works	Date
APPROVE:	<u>Scott Ullery</u>	<u>9/21/05</u>
	Scott Ullery, City Manager	Date

LIST OF ATTACHMENTS:

Map



FLEET STREET ENTRANCE TO RITCHIE CENTER EXHIBIT

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